

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRICKMAN INVESTMENTS, INC., :
Individually and On Behalf of All Others :
Similarly Situated, :

Plaintiff, :

v. :

SECURITY CAPITAL ASSURANCE LTD., :
PAUL S. GIORDANO, DAVID SHEA, :
GOLDMAN, SACHS & CO., J.P. MORGAN :
SECURITIES INC., MERRILL LYNCH, :
PIERCE, FENNER & SMITH :
INCORPORATED and XL INSURANCE LTD., :

Defendants. :
-----X

ECF CASE

No. 07-CV-11086 (DAB)

**HGK ASSET MANAGEMENT, INC.'S NOTICE
OF MOTION FOR CONSOLIDATION, APPOINTMENT
OF LEAD PLAINTIFF AND APPROVAL OF LEAD COUNSEL**

PLEASE TAKE NOTICE, that as soon as counsel may be heard, the undersigned will move this Court before the Honorable Deborah A. Batts, at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, pursuant to Rule 42 of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act of 1995, for an Order:

1. consolidating any and all subsequent cases filed in this District which allege one or more common questions of law or fact with the above-captioned action;
2. appointing HGK Asset Management, Inc. ("HGK") as Lead Plaintiff on behalf of all those who acquired 6.880 12/31/49-17 Security Assurance Capital Assurance Ltd. securities pursuant or traceable to the registration statement that was filed in connection with the Offer to Exchange on November 19, 2007 (the "Bondholder Class");

3. approving HGK's choice of Schoengold Sporn Laitman & Lometti, P.C. as Lead Counsel for the Class; and

4. granting such other and further relief as the Court may deem just and proper.

Dated: February 5, 2008

Respectfully submitted,

By: s/ Ashley Kim

Christopher Lometti (CL-9124)

Ashley Kim (AK-0105)

**SCHOENGOLD SPORN LAITMAN &
LOMETTI, P.C.**

19 Fulton Street, Suite 406

New York, NY 10038

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*Proposed Lead Counsel for the Bondholder
Class and Attorneys for HGK Asset
Management, Inc.*

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CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2008, HGK Asset Management, Inc.'s Notice of Motion For Consolidation, Appointment of Lead Plaintiff and Approval of Lead Counsel; Memorandum Of Law In Support Thereof; Declaration Of Ashley Kim; and Proposed Pretrial Order No. 1 in this action were filed electronically with the Clerk of the Court and all attorneys of record have received notification via the Southern District of New York's ECF system; and the following attorneys were served by First-Class Mail:

Richard A. Spiers, Esq.
Zwerling, Schachter & Zwerling
41 Madison Avenue
New York, NY 10010

Evan J. Smith, Esq.
Brodsky & Smith, LLC
240 Mineola Blvd.
Mineola, NY 11501

s/ Ashley Kim
Ashley Kim